	Application No.	Applicant(s)
Notice of Allowability	09/933,602	REARDON, KEVIN J.
	Examiner	Art Unit	
	Andre Boyce	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *Applicant's amendment filed 3/2/07*.

2. ☒ The allowed claim(s) is/are *4-11 and 13*.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some*   c) ☐ None   of the:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

      3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

    * Certified copies not received: _____ .

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

    (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

      1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____ .

    (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of

      Paper No./Mail Date _____ .

    Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____

4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application

6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____ .

Beth Van Doren
Beth Van Doren
AU 3623
Primary Examiner

DETAILED ACTION

1.   This action is in response to Applicant's amendment filed March 2, 2007. Claims

4, 5, 7, 8, 11 and 13 have been amended. Claims 1-3 have been canceled. Claims

4-13 are pending.

Examiner's Amendment

2.   An Examiner's Amendment to the record appears below. Should changes and/or

additions be unacceptable to Applicant, an amendment may be filed as provided by

37 CFR 1.312. To ensure consideration of such an amendment, it MUST be

submitted no later than the payment of the issue fee.

3.   Authorization for this Examiner's Amendment was given in a telephone interview

with Steven Fischman on May 11, 2007. The application has been amended as

follows:

In the claims:

11. (Currently amended) A program storage device readable by a machine, tangibly

embodying a program of instructions executable by the machine to perform method

steps for analyzing a business that provides deliverable end-user products to

consumers, said end-user products including components wherein each deliverable

product and each component have a perceivable cost and consumer value, said

method steps comprising:

a) obtaining Average Sales Price (ASP) trend data for a deliverable end-user

product provided by said business and tracking changes of said trend data over a

period of time, said period divided into one or more time intervals;

b) obtaining ASP trend data for a component used in said deliverable end-user

product and tracking changes of said trend data for said component over said period of

time,

c) generating a data structure including elements for characterizing trend data as

meeting certain performance criteria;

d) mapping said trend changes associated with trend data for a deliverable end-

user product and trend data for a component used in said deliverable end-user product

for each period to said elements in said data structure; and,

e) performing analysis of said elements for a component and deliverable product

in each time interval, said elements indicating potential corrective action with respect to

a value or cost for said component or deliverable product,

~~wherein said data structure includes a matrix for characterizing relationships~~

~~between ASP trends of deliverables and ASP trends of components, as being equal to~~

~~or above a base level between successive time intervals, as being below a base level~~

~~while remaining flat, increasing or decreasing between successive time intervals.~~

<u>wherein said data structure includes a matrix for characterizing relationships</u>

<u>between ASP trends of deliverables and ASP trends of components, one or more</u>

<u>elements of said matrix characterizing at least one of said deliverable and component</u>

<u>ASP trends as being equal to or above a base level between successive time intervals,</u>

wherein said base level is zero, one or more elements characterizing said trends

as being equal to or above said base level thereby defining a stability sector, and

wherein one or more elements of said matrix characterizes at least one of said

deliverable and component ASP trends as being below a base level while remaining

flat, increasing or decreasing between successive time intervals.

12. (Canceled)

Reasons for Allowance

4.   Claims 4-11 and 13 are allowed.

5.   The following is an examiner's statement of reasons for allowance:

With respect to independent claims 4 and 11, none of the prior art of record,

taken individually or in any combination, teach inter alia obtaining Average Sales

Price (ASP) trend data for a deliverable end-user product provided by said business

and tracking changes of said trend data over a period of time, said period divided

into one or more time intervals; obtaining ASP trend data for a component used in

said deliverable end-user product and tracking changes of said trend data for said

component over said period of time, generating a data structure including elements

for characterizing trend data as meeting certain performance criteria; mapping said

trend changes associated with trend data for a deliverable end-user product and

trend data for a component used in said deliverable end-user product for each

period to said elements in said data structure; and performing analysis of said

elements for a component and deliverable product in each time interval, said

elements indicating potential corrective action with respect to a value or cost for said

component or deliverable product, wherein said data structure includes a matrix for

characterizing relationships between ASP trends of deliverables and ASP trends of

components, one or more elements of said matrix characterizing at least one of said

deliverable and component ASP trends as being equal to or above a base level

between successive time intervals, wherein said base level is zero, one or more

elements characterizing said trends as being equal to or above said base level

thereby defining a stability sector, and wherein one or more elements of said matrix

characterizes at least one of said deliverable and component ASP trends as being

below a base level while remaining flat, increasing or decreasing between

successive time intervals.

With respect to independent claims 8 and 13, none of the prior art of record,

taken individually or in any combination, teach inter alia, providing a business plan

associated with the selling of a deliverable product in the market, said plan

organized as a series of successive time intervals, with each said interval indicating

hypothetical movement of profitability of said deliverable product; generating a data

structure including elements for characterizing trend data as meeting certain

performance criteria, each said element indicating one or more corrective actions

that may be performed with respect to a value or cost for a deliverable or one of its

components; obtaining actual ASP trend data for said deliverable and component at

a current sampling interval and mapping said actual ASP trend data for said

deliverable and component to a corresponding element in said data structure;

comparing said mapped element with a hypothetical movement defined for the

deliverable product and component according to said business plan at the current

sampling interval; and making corrective changes with respect to a value or cost for

said component or deliverable according to the comparison, wherein said data

structure includes a matrix for characterizing relationships between ASP trends of

deliverables and ASP trends of components, as being equal to or above a base level

between successive time intervals, as being below a base level while remaining flat,

increasing or decreasing between successive time intervals.

6.   The prior art references most closely resembling Applicant's claimed invention

are Kalyan et al (USPN 6,826,538) and Fields et al (USPN 5,459,656).

    Kalyan et al discloses a value management pricing method, wherein prices of

components make up the product, wherein each component has a determined

value/price and is used to calculate the value/price of the product. In addition,

Kalyan et al disclose component values used to price non-standard products based

on supply and demand and calculated components being the basis of a variety of

pricing decisions, including oversupply.

    Fields et al disclose actual demand mapped against threshold limits, monitoring

actual demand against projected demand, and revising near future-intervals to

reflect detected deviations, wherein the percent differential is compared to threshold

limits in order to determine the value to be projected over the remaining intervals.

However, with respect to claims 4 and 11, neither Kalyan et al nor Fields et al disclose obtaining Average Sales Price (ASP) trend data for a deliverable end-user product provided by said business and tracking changes of said trend data over a period of time, said period divided into one or more time intervals; obtaining ASP trend data for a component used in said deliverable end-user product and tracking changes of said trend data for said component over said period of time, generating a data structure including elements for characterizing trend data as meeting certain performance criteria; mapping said trend changes associated with trend data for a deliverable end-user product and trend data for a component used in said deliverable end-user product for each period to said elements in said data structure; and performing analysis of said elements for a component and deliverable product in each time interval, said elements indicating potential corrective action with respect to a value or cost for said component or deliverable product, wherein said data structure includes a matrix for characterizing relationships between ASP trends of deliverables and ASP trends of components, one or more elements of said matrix characterizing at least one of said deliverable and component ASP trends as being equal to or above a base level between successive time intervals, wherein said base level is zero, one or more elements characterizing said trends as being equal to or above said base level thereby defining a stability sector, and wherein one or more elements of said matrix characterizes at least one of said deliverable and component ASP trends as being below a base level while remaining flat, increasing or decreasing between successive time intervals.

With respect to claims 8 and 13, neither Kalyan et al nor Fields et al disclose providing a business plan associated with the selling of a deliverable product in the market, said plan organized as a series of successive time intervals, with each said interval indicating hypothetical movement of profitability of said deliverable product; generating a data structure including elements for characterizing trend data as meeting certain performance criteria, each said element indicating one or more corrective actions that may be performed with respect to a value or cost for a deliverable or one of its components; obtaining actual ASP trend data for said deliverable and component at a current sampling interval and mapping said actual ASP trend data for said deliverable and component to a corresponding element in said data structure; comparing said mapped element with a hypothetical movement defined for the deliverable product and component according to said business plan at the current sampling interval; and making corrective changes with respect to a value or cost for said component or deliverable according to the comparison, wherein said data structure includes a matrix for characterizing relationships between ASP trends of deliverables and ASP trends of components, as being equal to or above a base level between successive time intervals, as being below a base level while remaining flat, increasing or decreasing between successive time intervals.

7.   Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

8.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
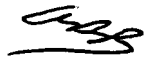
-Kalyan (WO 99/26168) discloses valuing products based on demand probabilities.

9.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre Boyce whose telephone number is (571) 272-6726. The examiner can normally be reached on 9:30-6pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR

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Should you have questions on access to the Private PAIR system, contact the

Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like

assistance from a USPTO Customer Service Representative or access to the

automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-

272-1000.

adb
May 11, 2007

Beth Van Doren
AU 3623
Primary Examiner